

CEM

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Brigido CRUZ-Angulo,

Defendant

Magistrate Docket No. 08 MJ 0245

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326  
Deported Alien Found in the  
United States

The undersigned complainant, being duly sworn, states:

On or about **January 25, 2008** within the Southern District of California, defendant, **Brigido CRUZ-Angulo**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
SIGNATURE OF COMPLAINANT

James Trombley  
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **28th** DAY OF **JANUARY**, **2008**.

  
Barbara L. Major  
UNITED STATES MAGISTRATE JUDGE

CEM

**CONTINUATION OF COMPLAINT:**  
**Brigido CRUZ-Angulo**

**PROBABLE CAUSE STATEMENT**

I declare under the penalty of perjury that the following statement is true and correct:

On January 25, 2008 Border Patrol Agent N. Krone was conducting line watch operations in an area known as the "Horse Trail". The "Horse Trail" is located approximately five miles west of the San Ysidro, California Port of Entry and is approximately one quarter of a mile north of the United States/Mexico International Boundary Fence. The "Horse Trail" is commonly used by illegal aliens to further their entrance into the United States due to its close proximity to the border.

At approximately 5:05 A.M., Agent Krone was notified via radio of an individual making his way north on the beach. Agent Krone responded to the area and after a brief search encountered an individual later identified as the defendant, **Brigido CRUZ-Angulo**, hiding in the water. Agent Krone identified himself as a United States Border Patrol Agent and questioned the defendant as to his country of citizenship and nationality. The defendant freely admitted to being a citizen and national of Mexico and admitted that he possessed no immigration documentation permitting him to be or remain in the United States legally. At approximately 5:15 A.M., Agent Krone arrested the defendant and transported him to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on October 29, 2007 through San Ysidro, California. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda Rights and stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted to being a citizen and national of Mexico, and that he is present without immigration documents that would allow him to enter or remain in the United States legally.

Executed on January 26, 2008 at 10:00 a.m.

  
\_\_\_\_\_  
Carlos R. Chavez  
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on January 25, 2008, in violation of Title 8, United States Code, Section 1326.

  
\_\_\_\_\_  
Peter C. Lewis  
United States Magistrate Judge

1-26-08 @ 2:50 pm  
\_\_\_\_\_  
Date/Time